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H.R. 3093 – PART I – Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008

H.R. 3093, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008 (sponsored by Rep. Mollohan, D-WV), is scheduled to be considered on the House floor on Wednesday, July 25, 2007, subject to an open rule ([H. Res. 562](#)), making in order any germane amendment under the five-minute rule. The rule allows one motion to recommit with or without instructions.

The rule waives all points of order against consideration of the bill, except those regarding PAYGO and earmarks, and allows the Chair to postpone consideration of the legislation at any time during its consideration. The rule also waives the no-authorizing-on-appropriations point of order against provisions in the underlying bill.

Note: The summaries below are based on RSC staff's review of *actual amendment text*. For a summary of the underlying bill, see a separate RSC document released earlier today.

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Amendments Pre-Filed in the Congressional Record

1. Stearns (R-FL). Prohibits funds appropriated to the U.S. Equal Employment Opportunity Commission (EEOC) from being used to pay for new lawsuits filed against companies that require their employees to speak English on the job. According to the sponsor's office, "in April, 2007, the U.S. Equal Employment Opportunity Commission (EEOC) sued the Salvation Army for allegedly discriminating against two of the Army's employees in a Boston-area thrift store by requiring them to speak English on the job, despite the fact that the rule was clearly posted and the employees were given a year to learn."

2. Tancredo (R-CO). Prohibits funds made available in this Act from funding the continued operation of the Security and Prosperity Partnership of North America (SPP) within the Department of Commerce. According to the SPP website, the SPP was launched in March of 2005 as an effort to increase security and encourage cooperation and information sharing between the United States, Canada and Mexico. The SPP has received criticism from some regarding its involvement in the erosion of U.S. sovereignty.

3. Tancredo (R-CO). Prohibit funds made available in this Act from funding the enforcing, judgment or imposing of the sentences handed down in the case of U.S. vs. Ignacio Ramos, Et Al. According to the sponsor's office, Border Patrol agents Ignacio Ramos and Jose Compean have been sentenced to 11 and 12 years respectively for shooting an illegal alien who was attempting to smuggle 750 lbs. of marijuana into the United States.

4. Rogers (R-MI). Increases funding for the Office of China Compliance (OCC) from \$6 million to \$12 million. Currently, our nation's trade deficit with China is over \$230 billion. Some charge that China is egregiously violating international trade rules (i.e. currency manipulation, intellectual property theft, counterfeit). According to the sponsor's office, the OCC was "designed to combat China's illegal and unfair trading practices by boosting enforcement of international trade rules."

5. Rogers (R-MI). This amendment would create a housing allowance program for FBI Agents, to neutralize the high cost of living in certain areas. According to the sponsor's office, the program would provide an allowance to Agents in certain areas to ensure that those Agents would not have disproportionately high out-of-pocket housing expenses as compared to Agents in less-costly areas. This amendment will most likely be subject to a point of order.

6. Rogers (R-MI). According to the sponsor's office, this amendment would apply pension retention to Supervisory Special Agents (SSAs) who had completed a total of three or more years in field supervisory positions as of June 3, 2004 and "stepped down" to a lower grade rather than relocate to FBI headquarters in Washington, DC. This pension retention would allow pensions to accrue at the same rate for retirement purposes, even while the agent is technically assigned a lower grade and the agent's pay is cut. This amendment will most likely be subject to a point of order.

7. Cardoza (D-CA). Reduces funds for Census Bureau's Periodic Census Program by \$3 million (from \$1.035 billion to \$1.032 billion) and increases funds for the National Oceanic and Atmospheric Administration by \$3 million (from \$2.847 billion to \$2.850 billion).

8. Sessions (R-TX). Strikes the language in the underlying bill (Section 524) that would impose limitations on the Administration's public-private competition initiative for certain government services (otherwise known as "competitive sourcing" or "OMB Circular A-76").

9. Sessions (R-TX). Strikes the language in the underlying bill (Section 213) that would prohibit the Administration's public-private competition initiative for the Bureau of Prisons and Federal Prison Industry Inc. (otherwise known as "competitive sourcing" or "OMB Circular A-76").

10. Price (R-GA). Reduces total appropriations in the bill by \$535,510,000 million (which is 1% of the total).

11. Poe (R-TX). Prohibits funds from being used by the Bureau of Prisons to incarcerate Guillermo Falcon Hernandez. Hernandez is a Texas Deputy Sheriff currently serving 12 months and one day for violating the civil rights of an illegal alien who was injured when Hernandez discharged his gun at the tires of a fleeing vehicle that carried several illegal aliens.

12. Poe (R-TX). Prohibits funds from being used by the Bureau of Prisons to incarcerate Ignacio Ramos or Jose Alonso Compean. The two are former Border Security Agents that are currently serving 11 and 12 year sentences respectively for shooting and injuring Osvaldo Aldrete-Davila as he attempted to illegally cross the U.S.-Mexico border with 800 pounds of marijuana.

13. Poe (R-TX). Decreases the Department of Commerce's departmental management salaries and expenses by \$10 million (from \$56.7 million to \$46.7 million) and increases funds for the Crime Victims Fund by \$10 million (from \$625 million to \$635 million). The Crime Victims Fund, which was established in the 1984 Victims of Crime Act, is administered by the Office for Victims of Crime (OVC) to help victims and victim service providers with program funding.

14. Weldon (R-FL). Prohibits funds from being used to provide assistance under the Community Oriented Policing Services (COPS) program to any state or local government that is acting in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Section 642(a) prohibits any government or entity from restricting information regarding citizenship from the Immigration and Naturalization Service (INS).

15. Weldon (R-FL). Prohibits funds from being used to provide assistance under the State Criminal Alien Assistance Program to any state or local government that is acting in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Section 642(a) prohibits any government or entity from restricting information regarding citizenship from the Immigration and Naturalization Service (INS).

16. Cardoza (D-CA). Reduces the funds for the Census Bureau's Periodic Census Program by \$10 million (from \$1.035 billion to \$1.025 billion); reduces DOJ's Administration Review and Appeals by \$2.3 million (from \$251.5 million to \$249.2); reduces the funds for the DOJ's General Administration allotment for salaries and expenses by \$3.6 million (from \$104.7 million to \$101.1 million); and increases funds for

the Office on Violence Against Women's prevention and prosecution programs by \$16 million (from \$430 million to \$446 million).

17. Del. Bordallo (D-GU). Decreases and then increases by \$500,000 from the National Oceanic and Atmospheric Administration (NOAA). Amendments such as this are often intended to redirect funds within the program.

18. Hensarling (R-TX). Eliminates funding for the Advanced Technology Program (ATP), which is currently set in the bill at \$93 million. The President's Budget requested the termination of the program, which is operated by the National Institute of Standards and Technology (NIST). The ATP was created in 1988 to provide public funding in cooperation with the private sector advanced research and development technology. The ATP gives approximately \$150 million annually to private sector companies for their research.

19. Hensarling (R-TX). Eliminates funding for the Legal Services Corporation (LSC), which is currently set in the bill at \$377 million. The President's budget requested \$310.9 million for Legal Services. Legal Services was established by the Legal Services Corporation Act of 1974 to provide free legal assistance to the poor in civil, non-criminal matters. The program, which has not been authorized since 1980, has been criticized for engaging in lobbying and advocacy of political causes, and litigation against the federal government.

20. Hensarling (R-TX). Eliminates funding for Public Telecommunications Facilities and Construction Program, which is currently set in the bill at \$21.7 million. The President's Budget eliminates funding for the program, and last year it was funded at \$21.7 million, the same as provided for in the underlying bill. The program was created in the early 1960s to assist in the planning and construction of public telecommunications facilities through matching grants. In recent years, however, a majority of the program's resources have been used to fund the public television's conversion to digital broadcasting.

21. Blackburn (R-TN). Prohibits funds in the bill from being used to initiate a civil action, or participate in a civil action initiated after the date of enactment of this Act, by or on the behalf of the Equal Employment Opportunity Commission (EEOC) against any entity on the grounds that the entity requires an employee to speak English while engaged in work. In other words, this amendment would prohibit the EEOC from using federal funds to initiate or engage in any civil action against an entity (e.g. – private business) that required its employee to speak English on the job.

22. English (R-PA). Decreases funds in the Act by \$2 million for the National Oceanic and Atmospheric Administration account (currently at \$2.85 billion); increases funds in the Act by \$1 million for the International Trade Commission salaries and expenses (from \$68.4 million to \$69.4 million).

23. Gingrey (R-GA). Prohibits funds in the Act to be used by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATFE) to pay the compensation of employees of ATFE to test and examine firearms without written and published testing standards.

24. Jordan (R-OH). Reduces appropriations in the Act by three percent across-the-board (roughly a \$3 billion decrease), which would reduce funding to the FY2007 level.

25. Pence (R-IN). Prohibits funds in the Act from being used to enforce the amendments made by subtitle A of title II of Public Law 107-155. Essentially, this amendment would prohibit the DOJ from enforcing the electioneering communications section of the McCain-Feingold campaign finance law.

The electioneering communications section, which was recently struck down by the Supreme Court in the *Wisconsin Right to Life* case, prohibited corporations (including many nonprofit organizations) and labor unions from spending their general treasury dollars on mass communications that merely reference a federal candidate 30 days before a primary election or 60 days before a general election in the areas where such candidate is running for office.

26. Price (R-GA). Decreases funds in the Act by \$2 million for the Department of Commerce Departmental Management account; increases funds in the Act by \$2 million for National Science Foundation Education and Human Resources account. The amendment sponsor states the amendment is intended to increase funding for the Math and Science Partnership Program under the National Science Foundation.

27. Rogers (R-MI). Decreases funds in the Act by \$16 million for the National Oceanic and Atmospheric Administration account (currently at \$2.85 billion); increases funds in the Act by \$16 million for the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the U.S.

28. Capuano (D-MA). Reduces funds in the Act by \$3 million for grants for young witness assistance (as provided by section 1136 of the Violence Against Women and Department of Justice Reauthorization Act of 2005; P.L. 109-162).

29. Sutton (D-OH). Prohibits funds in the Act from being used by the U.S. Trade Representative (USTR) for any lobbying activities, or any lobbying activities that are coordinated with private interests, for the purpose of influencing Members of Congress or the public to support or oppose a legislative proposal or free trade agreement that is pending before Congress. This would prohibit or at least severely restrict the USTR from contacting Members of Congress regarding any trade agreement (which the USTR negotiates). This amendment would seem to have the net effect of gutting a primary function of the USTR.

30. Sutton (D-OH). Prohibits funds in the Act from being used to implement any free trade agreement that enters into force after enactment of this Act unless the USTR has certified that jobs in the U.S. will not be lost because of the agreement. Presumably, this

amendment would prohibit a trade agreement from being implemented even if there was one job loss anticipated, even if the net job gain was expected to be 10,000 new American jobs.

31. Sutton (D-OH). Requires that of the funds made available in the Act for the USTR, at least \$10 million must be used only to reduce barriers to exports of U.S. goods and services identified in the 2007 National Trade Estimates report, giving priority to those barriers that result in the “greatest opportunities” for U.S. goods and services. The amendment also prohibits the above mentioned funds to be used to negotiate any free trade agreement, with any country, that has not been signed by the parties before the date of enactment of this Act.

32. Sutton (D-OH). Requires that of the funds made available in the Act for the U.S. Trade Representative, at least \$1 million must be used for monitoring, enforcement, and oversight of trade laws and rules relating to the People’s Republic of China.

33. Lofgren (D-CA). Reduces funds for the Department of Commerce’s departmental management salaries and expenses by \$7.5 million (from \$58.7 million to \$51.2 million); reduces funds for Department of Justice’s departmental management salaries and expenses by \$20 million (from \$104.7 million to \$84.7 million); reduces funds for FBI to acquire or construct buildings by \$7.5 million (from \$33.2 million to \$25.7 million); and increase state and local law enforcement assistance by \$40 million (from 1.315 billion to \$1.355 billion) and the State Criminal Alien Assistance Program by \$40 million (from \$405 million to 445 million).

Amendments not Pre-Filed in the Congressional Record

Musgrave (R-CO). Reduces total appropriations in the bill by \$267,755,000 (which is .5% of the total).

Drake (R-VA). Prohibits funds made available in this Act to any state or locality that adopts sanctuary city policies which bar their local law enforcement from cooperating with federal officials (Department of Homeland Security) regarding illegal immigrant activity. A sanctuary city is one whose officials do not permit police or municipal employees to inquire about the immigration status of those within the limits of the locality/city, or for such employees to cooperate with federal immigration officials.

Sali (R-ID). Requires that of the funds made available in the Act for state and local law enforcement assistance, at least \$2 million must be used to provide grants to establish a taskforce to develop, expand, and strengthen victim service programs for victims of trafficking (as authorized by section 107(b) of the Trafficking Victims Protection Act of 2000; 22 U.S.C. 7105(b)). The amendment sponsor states that “as of March 2007, the U.S. Department of Health and Human Services had certified nearly 1,200 victims of human trafficking in the U.S. from 77 countries since the Trafficked Victims Protection Act was signed into law in October 2000.”